

BOARD OF SELECTMEN Meeting  
Tuesday, April 15, 2014

6:45 Meeting Called to Order

Executive Session – Value of Real Property: Selectperson Lucas moved that the Board of Selectmen enter Executive Session under MGL Chapter 30A, §21(a) for Exception #6 to discuss strategy with respect to Real Property, Selectperson Murphy seconded, roll call vote: Chairperson Battistelli – aye, Selectperson Lucas – aye, Selectperson Murphy – aye, Selectperson Sheedy – aye, Selectperson Wilkinson – aye, all in favor.

Executive  
Session  
Motion Approved

Chairperson Battistelli said we are entering executive session because, by not doing so, it would be detrimental to the Town's litigating and bargaining positions. We will reconvene in Open Session.

7:18 Pledge of Allegiance and Moment of Silence

Utility Hearing to Locate Poles, Wires, and Fixtures: Underground Conduit Hearing – National Grid: Selectperson Murphy moved that the Board open a Public Hearing on the joint petition of National Grid and Verizon requesting permission to erect and maintain utility poles, wires, and fixtures in a public way as well as to install underground facilities on Breakwater Avenue, seconded by Selectperson Sheedy, Vote: 5-0.

Open Public  
Utility Hearing  
on Breakwater  
Avenue  
Motion Approved

Chairperson Battistelli read the notice printed in the newspaper.

Peter Glenn, representing National Grid, said last week there were numerous telephone conversations and e-mails on this subject. He said there was a change in design, but then the decision was to go back to the original plan. P. Glenn distributed copies of the changed plan. He said now they're talking about moving the pole back between the two neighbors.

Chairperson Battistelli questioned what the new plan was that is no longer being considered.

Peter Glenn said pole #542 feeds house #14, he said they were going to run a streetlight wire down the road and put a pole in 543.1. Now they just want to move the pole to the property line. In #12, the new plan might damage their driveway if they have to put a trench in, so they just want to move the pole to the property line.

National Grid will still maintain the light at 543-1. Want to put in underground street light, so there would be no electric wires on that corner. The light would be about 14' high. Another neighbor is concerned about the height of the light because of some security issues. He said the pole at #12 would require a guide wire, so the owner is concerned about that.

Selectperson Lucas asked why the plan of going underground the whole way from 542 to the new service fell apart.

Frank Simmons, 14 Breakwater, said he would like to answer Selectperson Lucas' question regarding why the plan to go underground the whole way from 542 (the light and new service) is not happening. He said they thought that was an agreeable solution. Then they received a call from P. Glenn (who has worked hard to come up with solution), who said he had spoken to the residents of #12 and they do not want to go underground from 542 to 543.1 because of the guide wire and also trenching across that area. The residents of #12 would like to go back to the initial proposal, continuing the overhead wires from 542 to 543 and then continue with underground service to #14. Placing a pole at 543 and continue underground and place a light at 543.1.

Chairperson Battistelli questioned whether the proposed pole would have a light on it. No it wouldn't.

F. Simmons said tonight said they were just told that #12 is not alright with the proposed location for 543; they want it moved further toward the corner; by perhaps ten feet. He said this is a moving target; they've been flexible and have tried to reach an agreement. He stated there doesn't seem to be an agreeable solution to the residents of #12.

Steve Shaffer, 12 Breakwater, said the reason they are no longer in favor of the latest plan is they would have to cut across his driveway with a guide wire in his front lawn. He stated this request has nothing to do with his house at all but they will have to look at that wire just so they can go underground. He questioned if the pole has to go to the property line or can it go up a little more?

Chairperson Battistelli questioned what happened before tonight.

P. Glenn said that the homeowner of #12 had asked that we move the pole ten feet further towards the breakwater. He said he would like to visit the site and stake it out.

Lois Stuart, 5 Cathedral Ave., stated she is an abutter. She has safety concerns about a lower light on that corner. She said a lot of people walk at night, someone started a fire on the rocks last year; that light needs to be at same heights.

F. Simmons said a 14' pole is going to illuminate that corner very well; he said Cathedral Avenue is a private way. Many people may walk their dogs there; but it is not a public way. He said we're not removing a light here. We don't have a solution to the primary issue; to what degree the service will be underground.

Chairperson Battistelli said there is still disagreement about this issue; a site visit might be worthwhile.

P. Glenn recommended having a streetlight expert come down to discuss the lighting issue.

T. Arsenian, 95 Granite Street, said we need to be concerned about light and light pollution. He said Granite Pier lights and the end of the wharf at Pigeon Cove are bad. If you're talking about more high streetlights, we have to ask what we are trying to illuminate. He said the town owns property on Cathedral.

F. Simmons said he is not in favor of a site visit to view the pole. He said we are locating the pole in front of our own property. A site visit will not result in a change in his opinion of where this pole should be located. We've put forth a number of proposals that have been accepted and then rejected by 12 Breakwater.

Maureen McCarthy, 62 Marmion Way, said the electrical service is now on the right hand side and they're moving it to the left hand side, if the service is moved, the pole moves with it. We agreed to put the light there, it is a private way. The town should think about that investment. She said George King has spoken to the Board of Selectmen about this.

Selectperson Wilkinson said the board could either vote right now or plan a site visit.

Selectperson Lucas said how about moving it perhaps 5 or 10 feet closer. She said #12 doesn't want it right on the corner of his lot.

P. Glenn said he will stake an anchor for a guide wire.

Chairperson Battistelli said we can still have the lighting expert visit and keep the public hearing open.

Public Utility  
Hearing

(continued)

Larry Stuart, Cathedral Avenue, said his wife has expressed concerned about lighting on that corner. We'd like some disturbance reduction, we have had experiences with kids going over the wall and building a bonfire. I'm sure those fishermen with lobster pots would like to have it well lit also.

Frank Simmons said we have everything resolved except the actual height or determination of the pole at the corner; there are significant construction lead times to be able to make the modification agreed to around pole 543. He requested if the two issues can be separated so they can proceed without waiting for the continuation of the public hearing.

The Town Administrator said the board could vote on part of the motion but keep the hearing open.

Continue Hearing: Selectperson Wilkinson moved that the Board of Selectmen continue the Public Hearing, regarding the light pole at 543-1 to April 14, 2014 at 7:10, Selectperson Sheedy seconded, Vote: 5-0.

Motion to  
continue Public  
Utility Hearing  
Motion Approved

Steve Shaffer inquired if there is any damage, would the applicant take responsibility.

Frank Simmons said yes they will.

Selectperson Lucas moved that the Selectmen grant approval to National Grid and Verizon to erect the utility poles, wires, and fixtures as described in the "Order for Joint or Identical Pole Locations" number 16014417 dated 2/25/14 and to lay and maintain underground laterals, cables, and wires necessary to make connections with such poles and buildings provided that National Grid installs the pole at least 5' from the property line of #12 Breakwater Avenue, seconded by Selectperson Murphy, Vote: 5-0.

Motion to grant  
approval to install  
pole at least 5'  
from property  
line at 12  
Breakwater  
Avenue  
Motion Approved

Approval of Minutes of April 1, 2014: Selectperson Sheedy moved that the Board of Selectmen approve the minutes of April 1, 2014, seconded by Selectperson Wilkinson, Vote: 5-0. Amendments: Selectperson Lucas requested that Updates and Liaison Reports, 4<sup>th</sup> paragraph, be amended to state "people will get refunds when it rights itself".

Approval of  
4/1/14 Minutes  
Motion Approved

Approval of Minutes of April 8, 2014: Selectperson Murphy moved that the Board of Selectmen approve the minutes of April 8, 2014, seconded by Selectperson Sheedy, Vote: 5-0. Amendments: first page, 4th paragraph, amend to read "Ben Lynch presented the existing 2008 license", last sentence in that paragraph amend to read "the input they received is still being considered". Selectperson Murphy requested that the minutes be amended to read "Selectperson Murphy inquired if the applicant or anyone representing the applicant is here tonight". Chairperson Battistelli requested that the minutes be amended to read "Chairperson Battistelli stated that she understands that the Building Inspector would need more information". Selectperson Wilkinson requested an amendment be made so the minutes read "if we are going to see final plans before a license is issued, and Chairperson Battistelli requested that the minutes be changed to reflect that one public hearing had been held to date on this application.

Approval of  
4/8/14 Minutes  
Motion Approved

Selectmen Updates and Liaison Reports:

- Selectperson Sheedy stated that she had applied for her stickers on-line and they're in the mail.
- Selectperson Murphy said he'd like to mention the 254 injured and 4 killed at the Boston Marathon bombing; the one year anniversary is coming up; Rockport had sent two officers. The city of Boston is recovering.

Selectmen  
Updates &  
Liaison Reports

Public Comment Period: T. Arsenian: 95 Granite St. said he would like to comment on two discussion items. The Chapter 91 license meeting, the comment that Ben Lynch had received the plans the day before the informational meeting, and the two Long Beach properties being renovated that are on the agenda tonight. He questioned if any Board of Selectmen members were planning on attending the DPW meeting on Wed., 4/16/14 because the sediment transport study would be reviewed (\$75,000).

Chairperson Battistelli said she would like to clear up the issues of Ben Lynch/DEP Waterways receiving the information from the applicant on 4/7/14. She said the plans had been sent by the applicant earlier; then the Conservation Commission had subjected an Order of Conditions. The information submitted on 4/7, to be fair to the applicant, were updates to their plans based on the Conservation Commission's approval.

Selectperson Wilkinson said the DPW meeting is tomorrow night at 7:00 pm in Conference Room A. She said they are presenting some preliminary findings on the sediment transport study; there is no report yet. She said whoever is in attendance from the Board of Selectmen will report back to this board.

Town Administrator's Report: The Town Administrator said the Board of Selectmen is signing a letter to the public safety folks commending them on a terrific job regarding the search efforts for Mr. Crocker. The Town Administrator commented on the three properties that the town has taken title to, 33 Atlantic Avenue, 59 High Street and 8 Marmion Way. The Town Administrator said they will be ordering a cleaning out on 8 Marmion Way, so the building inspector can visit so we know what we're talking about. Selectmen Murphy said he would like to visit the three properties on a Saturday morning.

Action List

Acceptance of Gift from Lura Hall Phillips Trust: Selectperson Wilkinson moved that the Board of Selectmen gratefully accept a gift of \$102,538.85 to be used for the Millbrook Meadow Park Restoration Project as specified in the March 17, 2014 letter from Trustee Gunilla Caulfield, seconded by Selectperson Murphy, Vote: 5-0.

Sam Caulfield spoke to the group, he said they are planning on dredging the pond to bring it back to how it was, restoring the meadow so it drains better, rebuilding the brook, repairing the culvert, and replacing some of the trees. Sam introduced Millbrook Meadow Committee members Charmaine Blanchard, Marcia Lombardo, Barbara Sparks, John Sparks, Janet Mason, and Ted Tarr. He said Lura Hall heard that bull dozers were going to demolish the meadow in 1951 and turn it into a parking lot. She raced down there and stopped the destruction of the meadow and started the improvement of the meadow. He said Gunilla Caulfield has been a steward of these funds all of this time and for the memory of Lura Hall. He said they raised about \$325,000 for this project; the total cost should be just under \$1,000,000. Chairperson Battistelli said she was a fierce champion of Millbrook Meadow and a devoted historian of Rockport.

Outdoor Display Permit for Asian Inspiration Gallery: Selectperson Lucas moved that the Board of Selectmen approve an Outdoor Display Permit renewal for Asian Inspiration Gallery, seconded by Selectperson Murphy, Vote: 5-0. Dan Desmond, one of the owners, was in attendance. The Town Administrator said they went back to review what was reviewed and what has been displayed. She said there is concern around some statuary around the steps; it looks like more than what was approved. She said this has been taken care of. Chairperson Battistelli said the idea is to attract customers to come into stores. She said there shouldn't be so much outside, that that's where people are shopping. The regulations say two items. She stated that the town is hoping not to have any violations. Selectperson Wilkinson said the intent is that people can get a taste outside of what is inside the shop.

Approval of 28 Long Beach Renovations: Selectperson Sheedy moved that the Board of Selectmen approve renovations to 28 Long Beach as specified in the Site Plan dated March 31, 2014 by Williams Sparages and reviewed by the Building Inspector, Selectperson Murphy seconded, Vote: 4-0. Chairperson Battistelli is abstaining from the vote. Owners Mr. and Mrs. Paul Mattuccio were in attendance. It was stated that the existing footprint will not be increased. The Building Inspector has approved this plan.

Approval of 28  
Long Beach  
Renovations  
Motion Approved

Approval of 33 Long Beach Renovations: Selectperson Murphy moved that the Board of Selectmen approve renovations to 33 Long Beach as specified in the Beloff Cottage Plans dated March 14, 2014 by Ebben Creek Architects and reviewed by the Building Inspector, seconded by Selectperson Wilkinson, Vote: 5-0.

Approval of 33  
Long Beach  
Renovations  
Motion Approved

Bob Visnick, 11 School Street, was presenting for the owners, the Beloff's. The plan is to construct a 2nd story over a one story structure. He said there is no intrusion into the footprint. The Building Inspector has approved this plan.

Permission for Emergency Service Day: Selectperson Wilkinson moved that the Board of Selectmen grant permission to the Rockport Ambulance Department to host the annual Emergency Service Day on Sunday, May 18, 2014 from 1 pm to 4 pm on T-Wharf, seconded by Murphy, Vote: 5-0.

Permission for  
Emergency  
Service Day  
Motion Approved

Harbormasters Rosemary Lesch and Scott Story presented; it was discussed that this would be a very busy weekend.

Permission for Use of Back Beach for Fall Classic Car Show: Selectperson Lucas moved that the Selectmen grant permission to Angela Cook to use Back Beach and the associated parking area for the Third Annual Fall Classic Car Show & Cruise Day on Sunday, October 12, 2014, weather permitting, or otherwise on October 26, 2014, seconded by Selectperson Murphy, Vote: 5-0.

Permission for  
use of Back  
Beach for Fall  
Classic Car Show  
Motion Approved

Appointment of Thacher Island Keepers for 2014: Selectperson Sheedy moved that the Board of Selectmen appoint Jeanette Haynes, Larry Haynes, Charlie Allen, Leighann Michitson, Tom Otway, Sydney Wedmore, Suellen Wedmore, Donna Cusick, Sharon Cohen, Linda Bosselman, Sarah Rutman, Ian Deweese-Boyd, Margie Deweese-Boyd, Dewey Glick, Camille Glick, Bob Joseph Paul Sena, Patty Wegmann, John Fulton, Darlene Fulton, John Fulton, Jr., Sarah Fulton, BJ Hatcher, Kathy Hatcher, John Goodwin, Susan Goodwin, Dave Murphy, Susan Murphy, Gary Johnson, Dianne Johnson, Kathy Michaud, Abigail Heath-Richard, Chris Richard, Dick Whittaker, Nancy Jaretz, Joseph Napolitano, Peggy Flanagan, and Casey Buckles as Keepers of Thacher Island for 2014, seconded by Selectperson Murphy, Vote: 5-0.

Appointment of  
Thacher Island  
Keepers for 2014  
Motion Approved

Mental Health Month Proclamation: Selectperson Murphy moved that the Board of Selectmen proclaim the month of May, 2014 as Mental Health Month in the Town of Rockport, seconded by Selectperson Sheedy, Vote: 5-0.

Mental Health  
Proclamation  
Month  
Motion Approved

#### Discussion Items:

Discussion Items:

Harbor Advisory Committee: Skip Montello and Phil Crotty are presenting; they are here to discuss the Granite Pier project. They said in 1965 there was an Army Corp. of Engineers study to extend Granite Pier to Sandy Bay Ledge; it was projected to be about \$460,000 for the whole project. Also in 2003, with the Harbor Management Plan, the Granite Pier extension project came up again. They are here to recommend a feasibility study for the 600' breakwater. This would include environmental impacts as well as any impacts on neighbors. In December they put forth a motion to go forward with bids. Two of the bids were less than \$6,000 and both groups have worked with the DPW in the past. They applied for CPC for grant money for the feasibility study; they have not heard back. It was stated that the CPC would pay directly from their budget. They're here in case the CPC doesn't approve the funding request. They'd like the Board of Selectmen to vote on this funding tonight. Selectperson Wilkinson said the board would like to look at the application that was submitted to the CPC.

Harbor Advisory  
Committee

Discussion Items  
(continued)

Toby Arsenian, 95 Granite Street, said what Phil Crotty said is the truth about the CPC; the committee has in the past handed over funds for various things. He said this should go before the voters. He said you said the harbor plan wasn't approved for Sept. 30, 2003.

Scott Story said it would need to be approved by the DEP. This is not a state approved plan; it was a town approved plan. There is no sidewalk and can't be expanded.

Toby Arsenian said he objects to the support of this by the Board of Selectmen. He said Steve Ouellette going to the CPC and requesting funds is incorrect.

CATA Pilot  
Program Hours

CATA Pilot Program Hours: Bob Ryan from CATA is meeting with the Town Administrator in May to confirm the contract. On 2/25/14 a packet was sent from Bob Ryan regarding the expanded hours pilot activity. They looked at the activity on Memorial Day; how many automobiles during the day and how many after 7pm. In June there were no automobile every Sat and Sun after 7pm. In July there was a total of 1,379 cars, 5% were after 7pm. Out of the 1,379 cars, 3,300 people were in those cars, there were 1,500 cars in August and 3,700 people. Chairperson Battistelli said we want to support businesses in town. Selectperson Murphy said how about Thursday through Sunday. Selectperson Wilkinson recommended raising the height of the signs so people can see them. So few weeknights were used, the recommendation is to focus on Thursdays, Fridays, and weekends. The cost is \$1/person; the cost for children and senior citizens needs to be reviewed. The recommendation is to give it another year of Thursday through Sunday. Selectperson Lucas said in August, it seems as though every day is Friday. Toby Arsenian said it's \$15,000 that we pay CATA to run this parking lot. He questioned if we are looking to spend more money, if so where is it coming from? The tourists use the lot. This is a subsidy for tourists. If we tried valet parking, who will pay for it? He said the local merchants benefit from this and they should pay for it. Chairperson Battistelli recommended holding a workshop on transportation and parking. Chairperson Battistelli suggested 5/20/14 for a workshop (with an update on meters as well).

Motion to hold  
workshop on  
5/20/14  
Motion Approved

Selectperson Murphy moved to hold a workshop on Tuesday, 5/20/14, at 7pm, seconded by Selectperson Sheedy, Vote: 5-0.

Street Performer  
Licenses

Street Performer Licenses: Chairperson Battistelli said she would like the Board of Selectmen to take a year off without issuing any permits. Selectperson Wilkinson said how about issuing permits but with no amplification at all. Selectperson Murphy said he is in favor of having some permits, but without any amplification. The current permit says one weekend day and one weekday. It was recommended that the times and location need to be worked out. Selectperson Sheedy said she is in favor of a time limit and no amplification, as well as looking at the locations.

Selectperson Murphy moved to adjourn, seconded by Selectperson Sheedy, Vote: 5-0.

Warrant Signed:

Warrant signed for the Fiscal Year 2014 Payroll and Expenses for the week of 4/17/14 in the amounts of \$494,606.29 and \$787,440.26 respectively.

Items Signed:

National Grid/Verizon

Asian Inspiration Gallery, outdoor display permit

Mental Health Month Proclamation

Aud Froystein Antiques, license for buying and selling antiques, used merchandise

M. R. Welcome, license to operate a parking lot for maximum of 39 spaces

Sandy's Bay Bakery, Common Victualler's License